

REMARKS

In accordance with the foregoing, claims 1-16 have been amended. Claims 1-16 are pending, with claims 1 and 11 being independent. No new matter is presented in this amendment.

Claims 1-16 have been amended to correct errors and improve their form.

Requirement for a Provisional Election of Species

The Examiner considers the application to contain claims directed to patentably distinct species of an electron acceptor material and patentably distinct species of an electron donor material, and has required the applicant to select one of the electron acceptor materials recited in claim 2 and one of the electron donor materials recited in claims 7 and 12 for examination.

In a telephone discussion on March 2, 2006, between the Examiner and the undersigned attorney, the Examiner confirmed that she will permit the applicant to select one electron acceptor material and one electron donor material for examination.

The Examiner considers claims 1-16 to be generic.

Provisional Election of Species

The applicant provisionally elects with traverse the species of an electron acceptor material that is an aromatic compound having a nitro group and the species of an electron donor material that is an aromatic compound having a hydrogen, with claims 1-16 being generic, in response to the provisional requirement for an election of species.

Applicant Traverses the Requirement for an Election of Species

As her basis for the requirement for an election of species, the Examiner states as follows:

The species are independent or distinct because the species comprise different structures and functional groups which result in different properties.

However, the species of an electron acceptor material identified by the Examiner have a common property in that they are all electron acceptor materials, and the species of an electron donor material identified by the Examiner have a common property in that they are all electron donor materials. Furthermore, MPEP 803.02 provides as follows in pertinent part:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions. In such a case, the examiner will not follow the procedure described below and will not require provisional election of a single species.

Here, it is submitted that the members of the Markush group of electron acceptor materials set forth in claim 2 and the members of the Markush group of electron donor materials set forth in claims 7 and 12 are so closely related that a search and examination of claims 2, 7, and 12 in their entirety can be made without serious burden.

Furthermore, it is submitted that generic claims 1-16 are allowable.

Accordingly, for at least the reasons discussed above, it is respectfully requested that the provisional requirement for an election of species be withdrawn, and that claims 2, 7, and 12 be examined in their entirety.

Conclusion

In view of the foregoing amendments, arguments, and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any additional fees are required in connection with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 03/21/06

By: 
Randall S. Svihla
Registration No. 56,273

1400 Eye St., NW
Suite 300
Washington, DC 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510